



Entered on Docket
October 17, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus Objection
Of USACM Trust To Proofs Of Claim
Based Entirely Upon Investment In The
Marlton Square (Second) Developers Loan**

Hearing Date: September 30, 2011
Hearing Time: 9:30 a.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Marlton Square (Second) Developers Loan ("Marlton Square (Second) Developers Loan") [DE 8804] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does

1 not affect the direct lenders' right to repayment by the borrower or from the collateral
2 securing the Marlton Square (Second) Developers Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8804] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed in full because those
6 claims are based entirely upon an investment in the Marlton Square (Second) Developers
7 Loan.

8
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**
11

12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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USACM Trust**Marlton Square 2nd Loan****Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Marlton Square 2nd Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Marlton Square 2nd Loan
10725-00805	10/30/2006	Dr Melody A Pfingsten & Crystal Wittich	43613 Southerland Way Fremont, CA 94539-5933	110,887.80	55,443.90
10725-00349	9/28/2006	John T Marasz Ent Inc Defined Benefit Plan DTD 5/86	C/O John T & Janet Marasz Tees PO Box 38 Sun Valley, CA 91353-0038	150,000.00	150,000.00
10725-00277	9/27/2006	Johnson, Tamara	800 East Walnut Avenue #16 Linton, ND 58552	40,000.00	40,000.00
10725-02476	6/4/2007	Rausch, Lawrence	10708 Brinkwood Ave Las Vegas, NV 89134	49,936.00	49,936.00
10725-01008	10/27/2006	Yonai Trustee, Gregory D	1982 Country Cove Ct Las Vegas, NV 89135-1552	28,000.00	28,000.00

EXHIBIT A

2430374.1